

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CHARLIE M. TARVER, #123 256

*

Plaintiff,

*

v.

* CIVIL ACTION NO. 2:05-CV-314-F
WO

WILLIAM H. ROBERTSON, *et al.*,

*

Defendants.

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ORDER ON MOTION

On May 9, 2005 Plaintiff filed a pleading wherein he requests that he not be required to pay the civil filing fee imposed by order entered on April 18, 2005. (Doc. No. 6) The court construes Plaintiff's request as a Motion for Reconsideration of the court's April 18 order which directs payment of the civil filing fee from monies available in Plaintiff's prison account until the \$250.00 filing fee is paid in full.

Plaintiff's motion for reconsideration of the court's order directing payment of the filing fee shall be denied. This court must, under the provisions of 28 U.S.C. § 1915(b)(1), "assess and, when funds exist, collect" the \$250.00 filing fee from monies available to Plaintiff, when the amount in Plaintiff's account exceeds \$10.00. The court may not waive or temporarily exempt Plaintiff from compliance with the statutory provisions regarding payment of filing fees. Dismissal of the case for any reason still obligates Plaintiff to pay the filing fee.

Accordingly, it is

ORDERED that Plaintiff's May 9, 2005 pleading, construed as a Motion for Reconsideration (Doc. No. 6), is DENIED.

Done this 16th day of May, 2005.

_____/s/Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE